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JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Outgoing
cf007/0045
B

August 17, 2009

JPMorgan Chase Bank, N.A.
Standby Letter of Credit Unit
300 S. Riverside Plaza
Mail Code IL1-0236
Chicago, Illinois 60606-0236

Subject: Cancellation of Letter of Credit # CTCS-679537, Covol Engineered Fuels, LC,
COVOL site, C/007/0045, Outgoing File

To Whom It May Concern:

We received your request for cancellation of Letter of Credit #CTCS-679537 on August 13, 2009. The original Letter of Credit instrument was returned to Covol Engineered Fuels, LC on July 21, 2009 (see attached letter). We have requested that they forward the original Letter of Credit to you. Meanwhile, please accept this letter and the attached signed amendment as our agreement to cancellation.

If you have any questions, please feel free to call Angela Nance at (801) 538-5264.

Sincerely,

For
John R. Baza
Director

an
Enclosure
cc: Bond File
Price Field Office
O:\007045.COV\FINAL\LOCcancellation.doc



RECEIVED

AUG 13 2009

JPMorgan Chase Bank, N.A.
Global Trade Services
300 South Riverside Plaza
Mail Code IL1-0236
Chicago, IL 60606-0236

DIV. OF OIL, GAS & MINING

AUG 10, 2009

OUR L/C NO.: CTCS-679537

AMENDMENT NO.: 1

TO:
STATE OF UTAH
UTAH DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE, SUITE 1210
SALT LAKE CITY, UT 84116

APPLICANT:
COVOL ENGINEERED FUELS, LC
10653 RIVER FRONT PARKWAY
ATTN: SCOTT BALLARD
SUITE 300
SOUTH JORDAN, UT 84095

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE REFERENCED STANDBY
LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

RECEIVER'S REFERENCE: NONREF

APPLICANT HAS REQUESTED CANCELLATION OF THIS LETTER OF CREDIT. IF YOU AGREE
TO THIS CANCELLATION, WE REQUEST THAT YOU RETURN THE ORIGINAL LETTER OF
CREDIT INSTRUMENT AND ANY AMENDMENTS THERETO ACCOMPANIED BY THIS AMENDMENT
EVIDENCING YOUR SIGNED AGREEMENT BELOW VIA OVERNIGHT DELIVERY TO THE
ATTENTION OF: STANDBY LETTER OF CREDIT UNIT, 300 S. RIVERSIDE PLAZA, MAIL
CODE IL1-0236, CHICAGO, ILLINOIS 60606-0236.

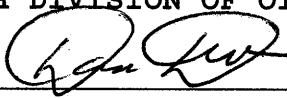
IN THE EVENT YOU ARE UNABLE TO LOCATE THE ORIGINAL LETTER OF CREDIT
INSTRUMENT BUT STILL WISH TO AGREE TO CANCELLATION, YOU MAY RETURN THIS
AMENDMENT VIA FAX, INDICATING YOUR AGREEMENT BY SIGNING BELOW, ACCOMPANIED
BY YOUR LETTER SIGNED BY AN AUTHORIZED OFFICER EVIDENCING:

A) THIS LETTER OF CREDIT NUMBER

B) YOUR STATEMENT READING: "WE HAVE MISPLACED/LOST THE ORIGINAL LETTER OF
CREDIT INSTRUMENT. IN THE EVENT THE ORIGINAL LETTER OF CREDIT IS FOUND BY
OURSELVES, WE WILL RETURN IT PROMPTLY TO YOU. MEANWHILE, PLEASE ACCEPT THIS
LETTER AND THE ATTACHED SIGNED AMENDMENT AS OUR AGREEMENT TO CANCELLATION."

WE AGREE TO CANCELLATION OF THIS LETTER OF CREDIT

STATE OF UTAH
UTAH DIVISION OF OIL, GAS AND MINING


SIGNATURE

JPMorgan Chase Bank, N.A.
Global Trade Services
300 South Riverside Plaza
Mail Code IL1-0236
Chicago, IL 60606-0236

AUG 10, 2009
OUR L/C NO.: CTCS-679537

AMENDMENT NO.: 1

DANA DEAN ASSOCIATE DIRECTOR
PRINTED NAME & TITLE

August 17, 2009 (801) 538-5320
DATE & TELEPHONE NBR

IF YOU ARE NOT IN AGREEMENT TO THE CANCELLATION OF THIS LETTER OF CREDIT
PLEASE INDICATE YOUR REJECTION BY SIGNING BELOW AND RETURN YOUR REJECTION
TO US VIA FAX.

WE REJECT CANCELLATION OF THIS LETTER OF CREDIT

STATE OF UTAH
UTAH DIVISION OF OIL, GAS AND MINING

SIGNATURE

PRINTED NAME & TITLE

DATE & TELEPHONE NBR

OUR FAX NUMBERS: 312-954-5986, 312-954-0203, 312-954-2457

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

NOTE: KINDLY SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING AND
RETURNING THE ENCLOSED COPY DIRECTLY TO US OR THE ADVISING BANK (IF ONE IS
PRESENT) FOR TRANSMISSION TO US. YOUR IMMEDIATE ATTENTION TO THIS MATTER
WILL BE APPRECIATED IN ORDER THAT WE MAY COMPLETE OUR RECORDS.



AUTHORIZED SIGNATURE

From: Angela Nance
To: Gina Rau
Date: 8/13/2009 4:53 PM
Subject: COVOL LOC

Hi Gina,

I received a letter from JPMorgan Chase asking the Division to sign a cancellation document for LOC #CTCS-679537. The letter also requests that we return the original LOC to them. However, I already returned the original Letter of Credit to you. Can you forward the original document to the bank? If so - I will sign and fax the cancellation to them along with a cover letter indicating that the LOC is being forwarded to them by you.

Thank you,
Angela
Bond Coordinator
angelanance@utah.gov

0005



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Outgoing
C/007/0045
Q

July 21, 2009

Gina Rau, Environmental Manager
Covol Engineered Fuels, LC
10653 South River Front Parkway, Suite 300
South Jordan, Utah 84095

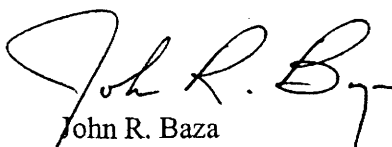
Subject: Release of Letter of Credit #CTCS-679537, Covol Engineered Fuels, LC, COVOL Site, C/007/0045, Outgoing File

Dear Ms. Rau:

Enclosed please find Letter of Credit #CTCS-679537, which is due to expire on August 31, 2009. A cashier's check in the amount of \$165,000 has been accepted as the replacement bond to guarantee reclamation at the COVOL Site.

If you have any questions, please call Angela Nance at (801) 538-5264.

Sincerely,


John R. Baza
Director

an

Enclosure

cc: Price Field Office

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JPMorganChase 

0001/045 Incoming
CC: Dana
Steve C.

JPMorgan Chase Bank, N.A.
c/o JPMorgan Treasury Services
Global Trade Services
10420 Highland Manor Drive
Tampa, FL 33610

APR 15, 2009

L/C NO.: CTCS-679537

ITEM NO: 0007

TO:

STATE OF UTAH

UTAH DIVISION OF OIL, GAS AND MINING

1594 WEST NORTH TEMPLE, SUITE 1210

SALT LAKE CITY, UT 84116

RE: CTCS-679537

RE: OUR L/C CTCS-679537 FOR ACCOUNT OF COVOL ENGINEERED FUELS, LC.

IN ACCORDANCE WITH THE TERMS OF THE ABOVE REFERENCED LETTER OF CREDIT, THE PURPOSE OF THIS LETTER IS TO NOTIFY YOU THAT THIS LETTER OF CREDIT WILL NOT BE AUTOMATICALLY EXTENDED FOR ANY ADDITIONAL PERIODS. THEREFORE, THIS LETTER OF CREDIT WILL EXPIRE ON ITS CURRENT EXPIRY DATE OF AUGUST 31, 2009.

ALL CORRESPONDENCE AND ANY DRAWINGS PRESENTED ARE TO BE DIRECTED TO OUR OFFICE AT: 300 S. RIVERSIDE PLAZA, MAIL CODE IL1-0236, CHICAGO, IL 60606-0236, ATTENTION: STANDBY LETTER OF CREDIT DEPARTMENT. CUSTOMER INQUIRY NUMBERS ARE 1-800-634-1969 CHOOSE OPTION NUMBER 1.

THIS IS A COMPUTER GENERATED ADVICE AND NO AUTHORIZED SIGNATURE IS REQUIRED.

RECEIVED
APR 16 2009
DIV. OF OIL, GAS & MINING

JPMorgan Chase Bank, N.A.
c/o JPMorgan Treasury Services
Global Trade Services
10420 Highland Manor Drive
Tampa, FL 33610

SEP 23, 2008
OUR L/C NO.: CTCS-679537

LETTER OF CREDIT NO.: CTCS-679537
ISSUE DATE: SEPTEMBER 23, 2008

BENEFICIARY:

STATE OF UTAH
UTAH DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE, SUITE 1210
SALT LAKE CITY, UTAH 84116

APPLICANT:

COVOL ENGINEERED FUELS, LC
10653 RIVER FRONT PARKWAY
SUITE 300
SOUTH JORDAN, UTAH 84095
ATTN: SCOTT BALLARD

RE: PROVISIONS UNDER THE PERMIT ISSUED PURSUANT TO APPLICATION NUMBER
C/007/0045

GENTLEMEN AND LADIES:

1. JPMORGAN CHASE BANK, N.A. ("BANK"), OF CHICAGO, ILLINOIS, HEREBY ESTABLISHES THIS IRREVOCABLE LETTER OF CREDIT (THE "LETTER OF CREDIT") IN FAVOR OF THE UTAH DIVISION OF OIL, GAS AND MINING ("DIVISION") FOR AN AGGREGATE AMOUNT NOT TO EXCEED U.S. \$165,000.00 IN UNITED STATES DOLLARS ("FACE AMOUNT") EFFECTIVE IMMEDIATELY, ON BEHALF OF COVOL ENGINEERED FUELS, LC ("OPERATOR"). WE HAVE BEEN INFORMED THAT THIS LETTER OF CREDIT IS ISSUED TO COVER OPERATIONS RELATED TO COAL PROCESSING WITHIN THE UNITED STATES OF AMERICA FOR PROVISIONS UNDER THE PERMIT ISSUED PURSUANT TO APPLICATION NUMBER C/007/0045.

2. THIS LETTER OF CREDIT WILL EXPIRE UPON THE FIRST EVENT SET FORTH AS FOLLOWS: (A) 5:00 O'CLOCK P.M. (CENTRAL STANDARD TIME) ON AUGUST 31, 2009 OR (B) THE DATE UPON WHICH SUFFICIENT DOCUMENTS ARE EXECUTED BY THE DIVISION TO RELEASE COVOL ENGINEERED FUELS, LC ("OPERATOR") FROM FURTHER LIABILITY FOR RECLAMATION OF THE PROVISIONS UNDER THE PERMIT ISSUED PURSUANT TO APPLICATION NUMBER C/007/0045 WITH NOTICE TO THE BANK BY THE

JPMorgan Chase Bank, N.A.
c/o JPMorgan Treasury Services
Global Trade Services
10420 Highland Manor Drive
Tampa, FL 33610

SEP 23, 2008

OUR L/C NO.: CTCS-679537

DIVISION ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT WITH DIRECTIONS FOR CANCELLATION.

3. THIS LETTER OF CREDIT WILL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF ONE (1) YEAR FROM THE CURRENT OR ANY FUTURE EXPIRATION DATE UNLESS AT LEAST NINETY (90) DAYS PRIOR TO THE EXPIRATION DATE, THE BANK GIVES NOTICE TO THE DIVISION BY ANY HAND DELIVERY COURIER SERVICE OR BY REGISTERED UNITED STATES MAIL 'RETURN RECEIPT REQUESTED' THAT THE BANK ELECTS NOT TO EXTEND THE LETTER OF CREDIT.

4. FUNDS UNDER THE LETTER OF CREDIT ARE AVAILABLE AGAINST THE DIVISION'S SIGHT DRAFT, IN THE FORM OF EXHIBIT A, SPECIFYING LETTER OF CREDIT NO. CTCS-679537 DELIVERED TO THE OFFICE OF THE BANK, JPMORGAN CHASE BANK, N.A., 300 SOUTH RIVERSIDE PLAZA, MAIL CODE IL1-0236, AND ATTN: STANDBY LETTER OF CREDIT UNIT, CHICAGO, IL 60606-0236. AT THE DIVISION'S SOLE ELECTION, THE DIVISION MAY PRESENT SIGHT DRAFTS FOR LESS THAN THE FACE AMOUNT SO LONG AS THE AGGREGATE AMOUNT OF ALL SIGHT DRAFTS DOES NOT EXCEED THE FACE AMOUNT. EACH DRAFT MUST BE ACCOMPANIED BY A CERTIFICATE IN THE FORM OF EXHIBIT B, SIGNED BY A DULY AUTHORIZED REPRESENTATIVE OF THE DIVISION.

5. IF THE BANK RECEIVES THE DIVISION'S SIGHT DRAFT(S) AND CERTIFICATE(S) AS PROVIDED IN PARAGRAPH NO. 4 ABOVE ON OR BEFORE THE TERMINATION OF THIS LETTER OF CREDIT, THE BANK WILL MAKE SUCH AMOUNT AS THE DIVISION MAY SPECIFY, WITHIN THE LIMITS OF THE SECOND SENTENCE OF PARAGRAPH NO. 4 OF THIS LETTER OF CREDIT, AVAILABLE TO THE DIVISION NO LATER THAN THE CLOSE OF BUSINESS, CENTRAL STANDARD TIME, ON THE SECOND BUSINESS DAY FOLLOWING THE BANK'S RECEIPT OF THE SIGHT DRAFT AND CERTIFICATE AND IN SUCH A MANNER AS THE DIVISION MAY SPECIFY. "BUSINESS DAY" MEANS ANY DAY THAT IS NOT A SATURDAY, SUNDAY OR OTHER DAY ON WHICH COMMERCIAL BANKS IN THE STATE OF NEW YORK ARE AUTHORIZED OR REQUIRED BY LAW TO CLOSE, AND A DAY ON WHICH THE NEW YORK STOCK EXCHANGE IS OPEN.

6. THE BANK WILL GIVE PROMPT NOTICE TO THE OPERATOR AND TO THE DIVISION DIRECTOR OF ANY NOTICE RECEIVED OR ACTION FILED ALLEGING THE INSOLVENCY OR BANKRUPTCY OF THE BANK, OR ALLEGING ANY VIOLATIONS OF REGULATORY REQUIREMENTS, WHICH COULD RESULT IN SUSPENSION OR REVOCATION OF THE BANK'S

JPMorgan Chase Bank, N.A.
c/o JPMorgan Treasury Services
Global Trade Services
10420 Highland Manor Drive
Tampa, FL 33610

SEP 23, 2008
OUR L/C NO.: CTCS-679537

CHARTER OR LICENSE TO DO BUSINESS.

7. ALL COMMUNICATIONS REGARDING THIS LETTER OF CREDIT WILL BE ADDRESSED TO THE BANK 300 SOUTH RIVERSIDE PLAZA, MAIL CODE IL1-0236, CHICAGO, IL 60606-0236, ATTN: STANDBY LETTER OF CREDIT UNIT, PHONE NO. 1-800-634-1969, OPTION # 1 REFERENCING LETTER OF CREDIT NO. CTCS-679537.

8. IN THE EVENT THE BANK GIVES NOTICE TO THE DIVISION THAT THE EXPIRATION DATE OF THE LETTER OF CREDIT WILL NOT BE EXTENDED, THE DIVISION MAY, UNTIL THE CURRENT EXPIRATION DATE OF THE LETTER OF CREDIT, DRAW UNDER THE LETTER OF CREDIT AGAINST ITS SIGHT DRAFT(S) IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH 4.

9. EXCEPT SO FAR AS OTHERWISE EXPRESSLY STATED, THIS IRREVOCABLE STANDBY LETTER OF CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (2007 REVISION, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 600) (THE "UCP"). AS TO MATTERS NOT COVERED BY THE UCP AND TO THE EXTENT NOT INCONSISTENT WITH THE UCP, THIS LETTER OF CREDIT SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE UNIFORM COMMERCIAL CODE, REVISED ARTICLE 5 OF THE STATE OF UTAH.

VERY TRULY YOURS,

JPMORGAN CHASE BANK, N.A.

BY: F. PETRASSI


(AUTHORIZED SIGNATURE)

TITLE: VICE PRESIDENT

JPMorgan Chase Bank, N.A.
c/o JPMorgan Treasury Services
Global Trade Services
10420 Highland Manor Drive
Tampa, FL 33610

SEP 23, 2008
OUR L/C NO.: CTCS-679537

EXHIBIT A - SIGHT DRAFT
TO
LETTER OF CREDIT NUMBER CTCS-679537

DATE CITY, COUNTY LETTER OF CREDIT NO.

PAY TO THE ORDER OF: UTAH DIVISION OF OIL, GAS AND MINING,

U.S. DOLLARS

TO:

JPMORGAN CHASE BANK, N.A.
300 SOUTH RIVERSIDE PLAZA
MAIL CODE IL1-0236
CHICAGO, IL 60606-0236
ATTN: STANDBY LETTER OF CREDIT UNIT

UTAH DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE SUITE 1210
SALT LAKE CITY, UTAH 84116

BY: _____
AUTHORIZED SIGNATURE

JPMorgan Chase Bank, N.A.
c/o JPMorgan Treasury Services
Global Trade Services
10420 Highland Manor Drive
Tampa, FL 33610

SEP 23, 2008
OUR L/C NO.: CTCS-679537

EXHIBIT B
TO
LETTER OF CREDIT NUMBER CTCS-679537

TO:
JPMORGAN CHASE BANK, N.A.
300 SOUTH RIVERSIDE PLAZA
MAIL CODE IL1-0236
CHICAGO, IL 60606-0236
ATTN: STANDBY LETTER OF CREDIT UNIT

I, _____ A DULY AUTHORIZED
REPRESENTATIVE OF THE UTAH DIVISION OF OIL, GAS AND MINING, HEREBY CERTIFY
THAT (1) THE DRAWING IN THE AMOUNT OF U.S.\$ _____, BY SIGHT DRAFT
ACCOMPANYING THIS CERTIFICATE, UNDER LETTER OF CREDIT NO. CTCS-679537
DATED SEPTEMBER 23, 2008 ISSUED BY YOU IS PERMITTED UNDER THE PROVISION OF
THE LETTER OF CREDIT, (2) THE LETTER OF CREDIT HAS NEITHER EXPIRED NOR
TERMINATED PURSUANT TO ITS TERMS, (3) THE AMOUNT OF THE SIGHT DRAFT,
TOGETHER WITH ANY AMOUNTS PREVIOUSLY DRAWN UNDER THE LETTER OF CREDIT,
DOES NOT EXCEED THE FACE AMOUNT, AND (4) THE AMOUNT TO BE DRAWN IS
NECESSARY TO ASSURE OR COMPLETE RECLAMATION OF THE PROVISIONS UNDER THE
PERMIT ISSUED PURSUANT TO APPLICATION NUMBER C/007/0045 IN ACCORDANCE WITH
APPLICABLE LAW.

UTAH DIVISION OF OIL, GAS AND MINING

BY: _____

AUTHORIZED SIGNATURE

DATE: _____

O O

CERTIFICATE OF
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

I, Eva Loeffler, DO HEREBY CERTIFY that I am a duly elected and qualified Assistant Secretary of JPMorgan Chase Bank, National Association, a national banking association duly organized and existing under the laws of the United States of America (the "Bank") and that set forth below is a true and correct copy of resolutions duly adopted by the directors of the Bank pursuant to a unanimous written consent dated January 17, 2007. I further certify that said resolutions, at the date hereof, are still in full force and effect.

RESOLVED that loan agreements, contracts, indentures, mortgages, deeds, releases, conveyances, assignments, transfers, certificates, certifications, declarations, leases, discharges, satisfactions, settlements, petitions, schedules, accounts, affidavits, bonds, undertakings, guarantees, proxies, requisitions, demands, proofs of debt, claims, records, notes signifying indebtedness of JPMorgan Chase Bank, N.A. (the "Bank"), and any other contracts, instruments or documents in connection with the conduct of the business of the Bank, whether or not specified in the resolutions of the Bank's Board of Directors (the "Board") may be signed, executed, acknowledged, verified, delivered or accepted on behalf of the Bank by the Chairman of the Board, the Chief Executive Officer, the President, the Chief Operating Officer, a Vice Chairman of the Board, a Vice Chairman, any member of the Operating Committee or Executive Committee, any Executive Vice President, the Chief Financial Officer, the Treasurer, the Controller, the Chief Risk Officer, the Secretary, any Senior Vice President, any Managing Director, any Vice President, or any other officer who the Secretary or any Assistant Secretary certifies as having a functional title or official status which is equivalent to any of the foregoing, and the seal of the Bank may be affixed to any thereof and attested by the Secretary, any Vice President or any Assistant Secretary; *provided, however*, that any guarantees, comfort letters or other letters of support issued by the Bank in respect of obligations of any of the Bank's affiliates or subsidiaries ("Support Documents") may be executed only where consistent with such resolutions of the Board dated the date hereof, as may be amended, relating to the provision of Bank guarantees and other support issued by the Bank in respect of obligations of its subsidiaries and affiliates;

RESOLVED that powers of attorney may be executed on behalf of the Bank by the Chairman of the Board, the Chief Executive Officer, the President, the Chief Operating Officer, a Vice Chairman of the Board, a Vice Chairman, any member of the Operating Committee or Executive Committee, any Executive Vice President, the Chief Financial Officer, the Treasurer, the Controller, the Chief Risk Officer, the Secretary, any Senior Vice President, and by any Managing Director having a rank equivalent to Senior Vice President; *provided, however*, that such powers of attorney may not provide authority for signing Support Documents except as where consistent with such resolutions of the Board dated the date hereof, as may be amended, relating to the provision of Bank guarantees and other support issued by the Bank in respect of obligations of its subsidiaries and affiliates.

I FURTHER CERTIFY that **FIORE F. PETRASSI** is Vice President of JPMorgan Chase Bank, National Association and is empowered to act in conformity with the above resolutions. I also certify that the signature of said officer appearing below is a true and exact specimen of his or her signature.

Fiore F. Petrassi

WITNESS my hand and the seal of JPMorgan Chase Bank, National Association as of this 19th day of September, 2008.

Eva Loeffler

Eva Loeffler
Assistant Secretary

(Corporate Seal)